

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-129
Table of Allotments,) RM-9307
FM Broadcast Stations.)
(Powers, Michigan))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS OF CRYSTAL RADIO COMPANY

Crystal Radio Company ("Crystal"), by its attorneys and pursuant to Section 1.420 of the Commission's Rules, hereby comments on the above-referenced Notice of Proposed Rulemaking to allot Channel 262A to Powers, Michigan. Crystal supports the allotment of a channel to Powers as that community's first local service. As shown below, however, Crystal believes it would better serve the public interest to allot Channel 297A to Powers. Substituting Channel 297A for 262A would allow the Commission to grant Crystal's application to modify the facilities for WOBE(FM), Crystal Falls, Michigan, of which it is the permittee, to relocate the WOBE transmitter to a site which would allow the station to provide greater coverage to the public.

ARGUMENT

Crystal is the permittee of WOBE(FM), Crystal Falls, Michigan, where it is the community's first local transmission service. Crystal has filed contemporaneously herewith an

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application on FCC Form 301 requesting a minor modification of the WOBE facilities, including a relocation of the transmitter site to a site located in Iron Mountain, Michigan. This modification is mutually exclusive with the above-referenced proposal by Results Broadcasting of Iron Mountain, Inc. ("Results") to allot Channel 262A to Powers, Michigan. Crystal supports the allotment of an FM station to Powers, Michigan, and supports its status as a community deserving of a first local transmission service. To further the Commission's goal of allocating radio broadcast service in a manner that serves the greatest number of possible people, Crystal proposes the Commission allot Channel 297A instead of Channel 262A to Powers. This substitution would not only allow Powers to have a first-time local transmission service, it would allow the Commission to grant Crystal's modification application without any need to attempt to enter into an analysis comparing Results' proposal and Crystal's application. Therefore, Crystal could maximize its WOBE facilities to best serve the Crystal Falls and surrounding communities. Attached hereto is an engineering statement that shows if the proposed WOBE modification were granted, Channel 297A can be allotted to Powers in compliance with the Commission's separation and city-grade coverage requirements.

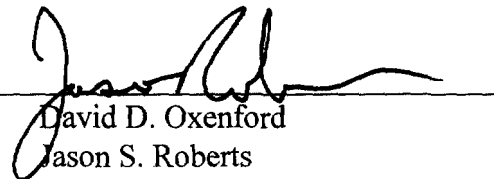
CONCLUSION

For the reasons stated herein, Crystal proposes that the Commission allot Channel 297A to Powers, Michigan and grant the minor modification proposal for WOBE(FM), Crystal Falls, Michigan.

Respectfully submitted,

CRYSTAL RADIO COMPANY

By: _____


David D. Oxenford
Jason S. Roberts

Its Attorneys

**FISHER WAYLAND COOPER LEADER
& ZARAGOZA L.L.P.**

2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
(202) 659-3494

Dated: September 8, 1998

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APPENDIX 1

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20054

ENGINEERING STATEMENT

| | |
|---------------------------------|------------------------|
| IN THE MATTER OF: |) MM DOCKET NO: 98-129 |
| AMENDMENT OF SECTION 73.202(B), |) RM-9307 |
| TABLE OF ASSIGNMENTS, |) |
| F.M. BROADCAST STATIONS; |) |
| (POWERS, MICHIGAN) |) |

TO: CHEIF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,
MASS MEDIA BUREAU.

PREPARED FOR:

CRYSTAL RADIO COMPANY

SEPTEMBER 02, 1998

PREPARED BY:

**MICHAEL A. BROWN
ASSISTANT TECHNICAL CONSULTANT
PACER TECHNICAL SERVICE, INC.
2450 CROOKS AVE.
KAUKAUNA, WISCONSIN 54130**

(920) 766-0300

APPLICANT: Crystal Radio Company
Counterproposal to PRM
Powers, Michigan

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Prepared 09/02/98

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4. ATTACHMENT E-B; CHANNEL 297A DISTANCE SEPERATION STUDY
POWERS, MICHIGAN REFERENCE COORDINATES

TABLE OF CONTENTS; CONCLUDED

STATE OF WISCONSIN)

COUNTY OF OUTAGAMIE)

VILLAGE OF LITTLE CHUTE)

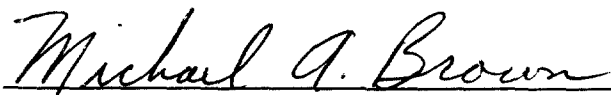
MICHAEL A. BROWN FIRST DULY SWORN STATES:

THAT HE IS AN EMPLOYEE OF LYLE R. EVANS, TECHNICAL CONSULTANT, WITH OFFICES AT 2450 CROOKS AVENUE, KAUKAUNA, WISCONSIN, 54130;

THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH LYLE R. EVANS;

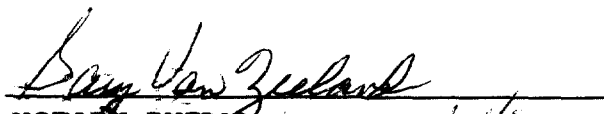
THAT HE HAS ASSISTED IN THE PREPARATION OF NUMEROUS AM, FM, MICROWAVE RADIO, TELEVISION, AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION;

THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM, AND ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS IN THE ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY, AND THAT ALL FACTS CONTAINED HEREIN ARE TRUE OF HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH STATEMENTS MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE AND CORRECT.



MICHAEL A. BROWN, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 02'nd DAY OF SEPTEMBER, 1998


NOTARY PUBLIC Expires 7/14/02

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20054

IN THE MATTER OF:) MM DOCKET NO: 98-129

AMENDMENT OF SECTION 73.202(B),) RM-9307
TABLE OF ASSIGNMENTS,)
FM BROADCAST STATIONS;)
(POWERS, MICHIGAN))

ENGINEERING STATEMENT

This Engineering Statement constitutes a "Counterproposal" to a Petition for Rule Making in Mass Media Docket Number 98-129 (RM-9307), to which this Statement is Appendix 1.

Lyle Robert Evans d/b/a Crystal Radio Company, the entity advancing said Counterproposal, retained the services of Michael A. Brown, Broadcast Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Counterproposal of Crystal Radio Company, to allot FM Channel 297A to Powers, Michigan.

The Commission, by action on July 08, 1998, adopted a NOTICE OF PROPOSED RULE MAKING, subsequently released: July 17, 1998, regarding Mass Media Docket Number: 98-129; Rule Making Number: 9307.

This "Notice" proposes amending the FM Table of

COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 297A; 107.3 MHz.
PROPONENT: CRYSTAL RADIO COMPANY

Allotments, Section 73.202(b) in the following manner:

| <u>CITY:</u> | <u>EXISTING:</u> | <u>PROPOSED:</u> |
|------------------|------------------|------------------|
| Powers, Michigan | NONE | 262A |

Crystal Radio Company proposes the following
COUNTERPROPOSAL in MM Docket Number: 98-129:

| <u>CITY:</u> | <u>EXISTING:</u> | <u>PROPOSED:</u> |
|------------------|------------------|------------------|
| Powers, Michigan | NONE | 297A |

This Counterproposal is mutually exclusive with the
proposed Minor Modification of Construction Permit Application
(FCC Form Number: 301) pending before the Federal
Communications Commission, filed by Crystal Radio Company,
Station WOBE(FM), Crystal Falls, Michigan, permitted to operate
on FM Channel 264C1 (100.7MHz.), FCC File Number:
BPH-891010MF.

FCC specified geographic coordinates for the
Community of Powers, Michigan are: 45°-41'-12" North Latitude,
87°-31'-30" West Longitude. Attachment E-A to this Statement
is an FM Channel 262A Distance Separation Study with these
coordinates as base.

Attachment E-A displays allotment of Channel 262A at

COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 297A; 107.3 MHz.
PROPONENT: CRYSTAL RADIO COMPANY

the Powers, Michigan Geographic Reference Coordinates
"Short-Spaced" to facilities specified by the Minor
Modification of Construction Permit Application (FCC Form
Number: 301), of Crystal Radio Company, pending before the FCC
(FCC File Number: BPH-891010MF).

Such short-spacing is in contravention with Minimum
Distance Separation Requirements for FM allotments set forth
in 47 Code of Federal Regulations §73.207.

Crystal Radio Company supports the allotment of an
FM Broadcast Station to Powers, Michigan, and supports its
status as a community deserving of a first local broadcast
transmission service. In order to allot Powers, Michigan, a
first local broadcast service, and comply with Commission
Minimum Distance Separation Requirements, Crystal Radio
Company proposes the allotment of FM Channel 297A instead of
FM Channel 262A to Powers.

Attachment E-B to this Statement, an FM Channel 297A
Distance Separation Study with Geographic Reference
Coordinates of the Community of Powers, Michigan as base,
evidences the proposal of Channel 297A to Powers in complete
compliance with all Commission Minimum Distance Separation
Requirements for FM Broadcast Stations.

COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 297A; 107.3 MHz.
PROPONENT: CRYSTAL RADIO COMPANY

A typical full-facility FM Channel 297, Class A operation (6.0 kW ERP, 100 meters HAAT) at the Powers, Michigan, Geographic Reference Coordinates shall provide the requisite 70 dBu (3.16 mV/m) "City Grade" signal to all Powers and beyond.

A grant of the Counterproposal (Petition for Rule Making), of which this Statement is Appendix 1, shall provide a first local aural (FM) broadcast service to Powers, Michigan and vicinity, and eliminate any "short-spacings" to the proposed modified facilities of Station WOBE(FM), Crystal Falls, Michigan; FCC File Number: BLH-891010MF, fully consistent with all Commission Rules and Regulations.

CONCLUSION

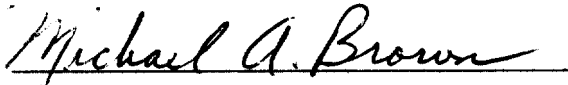
The most recent applicable FCC Rules and Regulations have been used in the preparation of this Engineering Statement.

It is believed to conform to the Commission's Technical Standards.

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COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 297A; 107.3 MHz.
PROPONENT: CRYSTAL RADIO COMPANY

Respectfully Submitted,



Michael A. Brown
Broadcast Consultant to:
Crystal Radio Company

September 02, 1998

ENGINEERING STATEMENT; CONCLUDED.

ATTACHMENT E-A

PAGE 1 OF 1

FM CHANNEL 262A DISTANCE SEPERATION STUDY

LOCATION: POWERS, MICHIGAN
 SERVICE: COMMERCIAL FM
 CHANNEL: 262
 FREQUENCY: 100.3 MHz.
 ZONE: II
 CLASS: A
 COORDINATES: 45°-41'-12" N.L., 87°-31'-30" W.L. (REFERENCE COORDINATES)
 PROPONENT: CRYSTAL RADIO COMPANY
 CALL SIGN: WOBE
 FCC FILE NO: BPH-891010MF
 DATE: SEPTEMBER 01, 1998

| CALL STATUS | CITY STATE | FCC FILE | CHAN. FREQ. | ERP (KW) HAAT (M) | LATITUDE LONGITUDE | BEAR. (DEG.) | DIST. (KM.) | REQ. (KM.) |
|------------------|----------------------|---------------|----------------|----------------------|-----------------------|-----------------|-----------------|----------------|
| WAQB (FM) CP | SISTER BAY WI | BPED-961003MA | 209C3 89.7 | 3.40 164.00 | 45-14-16 87-05-28 | 145.7 | 60.34 48.34 | 166.0 CLEAR |
| WNCY (FM) LIC | NEENAH-MENASHA WI | BLH-950526KB | 262C2 100.3 | 45.00 149.00 | 44-15-27 88-11-41 | 198.6 | 167.38 1.38 | 166.0 CLEAR |
| WOBE (FM) CP | CRYSTAL FALLS MI | BPH-891010MF | 264C1 100.7 | 100.00 78.00 | 46-04-58 88-21-11 | 304.8 | 77.91 2.91 | 75.0 CLEAR |
| WOBE (FM) APP | CRYSTAL FALLS MI | BPH-891010MF | 264C1 100.7 | 100.00 149.40 | 45-49-58 88-05-09 | 290.4 | 46.52 -28.48 | 75.0 SHORT@ |
| WRHN (FM) LI | RHINELANDER WI | BLH-920629KC | 264C1 100.7 | 100.00 102.00 | 45-38-08 89-22-42 | 268.4 | 144.56 11.56 | 133.0 CLEAR |

-----END FM CHANNEL 262A DISTANCE SEPERATION STUDY-----

NOTES: (@) The proposed Minor Modification of Construction Permit Application whose indicated distance separation status is followed by the "and" sign (&), constitutes a "Counterproposal" in Mass Media Docket Number 98-129 (RM-9307).

ENGINEERING STATEMENT, ATTACHMENT E-A; CONCLUDED.

ATTACHMENT E-B

PAGE 1 OF 1

FM CHANNEL 297A DISTANCE SEPERATION STUDY

LOCATION: POWERS, MICHIGAN
SERVICE: COMMERCIAL FM
CHANNEL: 297
FREQUENCY: 107.3 MHz.
ZONE: II
CLASS: A
COORDINATES: 45°-41'-12" N.L., 87°-31'-30" W.L. (REFERENCE COORDINATES)
PROONENT: CRYSTAL RADIO COMPANY
CALL SIGN: WOB
FCC FILE NO: BPH-891010MF
DATE: SEPTEMBER 01, 1998

| CALL STATUS | CITY STATE | FCC FILE | CHAN. FREQ. | ERP (KW) HAAT (M) | LATITUDE LONGITUDE | BEAR. (DEG.) | DIST. (KM.) | REQ. (KM.) |
|------------------|---------------------|---------------|----------------|----------------------|-----------------------|-----------------|----------------|---------------|
| NEW APP | IRON MOUNTAIN MI | BMPH-951013MA | 294A 106.7 | 1.70 190.00 | 45-49-15 88-02-25 | 290.6 | 42.78 11.78 | 31.0 CLEAR |
| NEW APP | IRON MOUNTAIN MI | BMPH-951116MB | 294A 106.7 | 1.75 189.00 | 45-49-15 88-02-25 | 290.6 | 42.78 11.78 | 31.0 CLEAR |
| WOCO (FM) LIC | OCONTO WI | BLH-4131 | 296A 107.1 | 3.00 64.00 | 44-53-31 87-57-18 | 201.0 | 94.55 22.55 | 72.0 CLEAR |
| WMQT (FM) LIC | ISHPEMING MI | BLH-941013KC | 299C1 107.7 | 100.00 160.00 | 46-28-45 87-37-30 | 355.0 | 88.43 13.43 | 75.0 CLEAR |

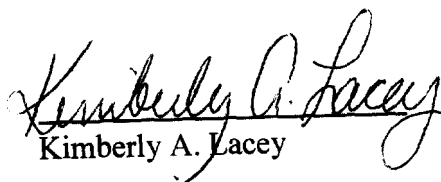
-----END FM CHANNEL 297A DISTANCE SEPERATION STUDY-----

ENGINEERING STATEMENT, ATTACHMENT E-B; CONCLUDED.

CERTIFICATE OF SERVICE

I, Kimberly A. Lacey, do hereby certify that I have this 8th day of September 1998,
mailed by first-class United States mail, postage prepaid, copies of the foregoing "**COMMENTS
OF CRYSTAL RADIO COMPANY**" to the following:

John F. Garziglia
Pepper & Corazzini, L.L.P.
1776 K Street, N.W., Suite 200
Washington, D.C. 20006


Kimberly A. Lacey